

U.S. COURT OF APPEALS - EIGHTH CIRCUIT
APPELLANT'S FORM A
Appeal Information Form

To be filed with the Notice of Appeal

Appeal Docket No.

STYLE OF CASE:

COUNSEL: NAME, ADDRESS, AND
TELEPHONE NUMBER

Marlyn Rily and Debra Riley.

Appellant

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ATTORNEY TO BE NOTICED

vs.

Cordis Corporation

Appellee

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LEAD ATTORNEY
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LIST ISSUES ON APPEAL (For administrative purposes). You may indicate that this also serves as your statement of issues under FRAP 10(b) (3). X Yes. No.

1. Whether the District Court erred in dismissing Plaintiffs' claims of failure to warn, fraudulent and negligent misrepresentation, breach of express warranty and other claims on the grounds of federal pre-emption, as described in *Riegel v. Medtronic*, 128 S. Ct. 999 (2008) and *Buckman Co. v. Plaintiffs' Legal Committee*, 531 US 341 (2001)

2. Whether the District Court erred in dismissing Plaintiffs' claims of fraudulent misrepresentation for insufficient pleading under Rule 9(b), F.R.Civ.P.

3. Whether the District Court erred in Dismissin Plaintiffs' claims of insufficient pleading of breach of warranty under Rule 8, F.R.Civ.P.

FOR LEAD COUNSEL ONLY

I have (X have not) discussed settlement possibilities on appeal with my client.

This appeal X is (is not) amenable to settlement.

Submitted by: s/Ronald S. Goldser

Signature of Lead Counsel

Date: August 3, 2009

INSTRUCTIONS:

Filing of appellant=s Form A is required to be submitted to the Clerk of the District Court with the Notice of Appeal (8 Cir. Rule 3B). If inadvertently omitted, appellant may file Form A directly with the Clerk of the Court of Appeals before appeal is docketed. Forms are available at the District Clerk=s Office and may be obtained electronically at:

www.ca8.uscourts.gov

Copy 1 - Send to Appellee (together with an uncompleted Form B)

Copy 2 & 3 - Send to Clerk, District Court with Notice of Appeal or Eighth Circuit (see above)

Copy 4 - retain

 X I verify that the original of this pleading has been signed and that I will maintain the pleading in accordance with 8th Cir.R.25A(a).